

3745-502-01

Solid waste fee - definitions.

Terms are defined as follows:

- (A) "Asbestos" means or asbestos-containing waste material that is subject to the provisions of NESHAP 40 CFR Part 61, Subpart M (July 1, 2008).
- (B) "Board" means the board of directors of a joint solid waste management district, the board of county commissioners of a county solid waste management district, or the board of trustees of a solid waste management authority.
- (C)
 - (1) "Composting facility" means a designated facility where composting of solid waste occurs in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder. The composting facility includes the area of materials placement and any leachate management system structures.
 - (2) "Construction and demolition debris" means those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any physical structure that is built by humans, including, without limitation, houses, buildings, industrial or commercial facilities, or roadways. Construction and demolition debris includes particles and dust created during demolition activities. Construction and demolition debris does not include materials identified or listed as solid wastes or hazardous waste pursuant to Chapter 3734. of the Revised Code and rules adopted under it; materials from mining operations, nontoxic fly ash, spent nontoxic foundry sand, and slag; or reinforced or nonreinforced concrete, asphalt, building or paving brick, or building or paving stone that is stored for a period of less than two years for recycling into a usable construction material.
- (D)
 - (1) "Director" means the director of environmental protection or the director's authorized representative.
 - (2) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, emitting, or placing of any solid wastes or hazardous waste into or on any land or ground or surface water or into the air, except if the disposition or placement constitutes storage or treatment or, if the solid wastes consist of scrap tires, the disposition or placement constitutes a beneficial use or occurs at a scrap tire recovery facility licensed under section 3734.81 of the Revised Code.

- (3) "District" means "solid waste management district" as that term is defined in paragraph (S)(7) of this rule.
- (4) "District disposal fee" means a fee levied by a solid waste management district pursuant to division (B) of section 3734.57 of the Revised Code.
- (5) "District generation fee" or "generation fee" means a fee levied by a solid waste management district pursuant to section 3734.573 of the Revised Code.

(E)

- (1) "Environmental protection fee" means a fee levied by the state pursuant to division (A)(3) of section 3734.57 of the Revised Code.
- (2) "Excluded waste" means materials that are not "solid waste" as defined in division (E) of section 3734.01 of the Revised Code.

[Comment: See the definition of "solid waste" in paragraph (S)(4) of this rule.]

(F)

- (1) "Facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid waste or, if the solid waste consist of scrap tires, for the collection, storage, or processing of the solid waste; for the transfer of solid waste; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.
- (2) "Fiscal officer" means the fiscal officer of a township.

(G) [Reserved.]

(H)

- (1) "Hazardous waste" means waste that is listed specifically as hazardous waste or exhibits one or more characteristics of hazardous waste as defined in Chapter 3745-51 of the Administrative Code.
- (2) "Host community fee" means a municipal corporation or township fee adopted

pursuant to division (C) of section 3734.57 of the Revised Code.

(I)

- (1) "Incinerator" means any equipment, machine, device, article, contrivance, structure, or part of a structure used to burn solid or infectious wastes to ash.
- (2) "Industrial solid waste" means a type of solid waste generated by manufacturing or industrial operations and includes, but is not limited to, solid waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and food-related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; and transportation equipment. "Industrial solid waste" does not include solid wastes generated by commercial, agricultural, or community operations. Industrial solid wastes may be disposed in a licensed sanitary landfill facility, a licensed industrial waste landfill facility, or in a licensed residual waste landfill facility, provided that the class number for the residual waste landfill facility is not greater than the class number necessary for that residual waste as determined by the residual waste characterization and landfill classification in accordance with rules 3745-30-03 and 3745-30-04 of the Administrative Code.

(J) [Reserved.]

(K) [Reserved.]

(L) [Reserved.]

(M) "Municipal solid waste" is a type of solid waste generated from community, commercial, and agricultural operations, including, but not limited to, the following:

- (1) Solid waste generated by community operations, i.e. wastes derived from households (including single and multiple household residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas).
- (2) Solid waste generated by commercial operations (including stores, offices,

restaurants, warehouses, and other non- manufacturing activities).

- (3) Solid waste generated from agricultural operations (including single-family and commercial farms, greenhouses, and nurseries).
- (4) Sludge from municipal, commercial or industrial waste water treatment plants, water treatment plants, and air pollution control facilities that is co-disposed with wastes specified in paragraph (M)(1), (M)(2), (M)(3), or (M)(5) of this rule in a sanitary landfill facility.
- (5) Fly ash and bottom ash generated from the incineration of municipal solid waste provided the fly ash and bottom ash are not regulated as hazardous wastes.

(N) [Reserved.]

(O)

- (1) "Operator" or "facility operator" means the person responsible for the on-site supervision of technical operations and maintenance of a solid or infectious waste facility, or any parts thereof, which may affect the performance of the facility and its potential environmental impact or any person who has authority to make discretionary decisions concerning the daily operations of the solid or infectious waste facility. "Operator" also means the person responsible for the supervision of technical operations of a scrap tire transportation business.
- (2) "Owner" or "property owner" means the person who holds title to the property on which the solid waste facility, infectious waste treatment facility, or scrap tire transportation business is located.

(P) [Reserved.]

(Q) [Reserved.]

(R)

- (1) "Recycling" means the process of converting solid waste, industrial waste, construction and demolition debris, or clean hard fill that would otherwise be disposed and returning the converted material to commerce as a commodity for use or exchange in an established and legitimate market. "Recycling" is

not reuse, storage, disposal, or transfer.

(2) "Residual solid waste" is a type of solid waste and means:

- (a) The following wastes generated by fuel burning operations which are regulated by rule 3745-17-10 of the Administrative Code and which burn as fuel primarily coal: air pollution control wastes, water pollution control wastes, and other wastes with similar characteristics which are approved by the director.
- (b) The following wastes generated from foundry operations: air pollution control dust, wastewater treatment plant sludge, unspent foundry sand, spent foundry sand, and other foundry wastes with similar characteristics which are approved by the director.
- (c) The following wastes generated from pulp and papermaking operations: wastewater treatment plant sludges, lime mud, lime grit, sawdust, wood chips, bark, hydropulper rejects, and other pulp and papermaking wastes with similar characteristics which are approved by the director.
- (d) The following wastes generated from steelmaking operations: air pollution control dust, wastewater treatment plant sludges, dust from steel processing and finishing operations, water softening sludge, flux material, and other steelmaking wastes with similar characteristics which are approved by the director.
- (e) The following wastes generated from gypsum processing plant operations: gypsum wallboard waste, paper surface preparation dust, wastewater treatment plant sludge, and other gypsum processing wastes with similar characteristics which are approved by the director.
- (f) The following wastes generated from lime processing operations: air pollution control dust and/or sludge, and other lime processing wastes with similar characteristics which are approved by the director.
- (g) The following wastes generated from portland cement operations: air pollution control dust and other processing wastes with similar characteristics which are approved by the director.

Residual wastes may be disposed in a licensed sanitary landfill facility without performance of the waste characterization and landfill classification specified in rules 3745-30-03 and 3745-30-04 of the Administrative Code, or

in any licensed residual waste landfill facility provided that the class number for such a facility is not greater than the class number necessary for that residual waste as determined by the residual waste characterization and landfill classification in accordance with rules 3745-30-03 and 3745-30-04 of the Administrative Code.

- (3) "Reuse" means taking an object or material that would otherwise be disposed and using it for its original purpose or a similar purpose, without converting the object or material. "Reuse" does not include using an object or material as fill. "Reuse" is not recycling, storage, disposal, or transfer.

(S)

- (1) "Sanitary landfill facility" means an engineered facility where the final deposition of solid waste on or into the ground is practiced in accordance with Chapter 3734. of the Revised Code and rules adopted thereunder, and includes the units within the limits of waste placement, all groundwater monitoring and control system structures, buildings, explosive gas monitoring, control, and extraction system structures, surface water run-on and runoff control structures, sedimentation ponds, liner systems, and leachate management system structures. The sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless an alternate setback is deemed acceptable by the director. If the owner or operator has not obtained approval of a permit to install, which delineates the setback from the limits of waste placement, submitted in accordance with section 3734.05 of the Revised Code, the sanitary landfill facility includes all portions of the facility described above and those areas within three hundred feet of the limits of waste placement unless the property line of the facility is less than three hundred feet from the limits of waste placement, in which case the sanitary landfill facility includes those areas within the property line.
- (2) "Scrap tire" is a type of solid waste and means any unwanted or discarded tire, regardless of size, that has been removed from its original use. "Scrap tire" includes all whole scrap tires and pieces of scrap tires which are readily identifiable as scrap tires by visual inspection.

For purposes of this definition, "unwanted" means the original generator, original owner or manufacturer of the tire no longer wants to use, or is unable to use the tire for its original purpose, and "discarded" means the original scrap tire generator, original owner, or manufacturer of the tire has otherwise managed the tire in such a manner that disposal has occurred.

"Scrap tire" does not include the following:

- (a) A tire after it has been retreaded or regrooved for resale or reuse, unless it has been declared defective or has been returned to the seller or manufacturer for warranty adjustment.
- (b) A tire that is mounted and installed on a vehicle or trailer, or carried on the vehicle or trailer as the spare tire. Trucks with more than four wheels or with different size wheels or tires may carry more than one spare tire.

For purposes of this definition "installed" means placing the mounted wheel and tire assembly at any of the positions on a vehicle or trailer where a wheel and tire assembly was initially placed on the vehicle or trailer during manufacture and includes the position normally used for a spare tire or tires.

For purposes of this definition "mounted" means placing a tire on a wheel rim so that it can be installed on a vehicle. A mounted tire may be a scrap tire unless it is also installed.

- (c) Tires from non-motorized vehicles such as bicycles; or tires from small equipment such as lawn mowers, wheelbarrows, etc.

[Comment: Tires from non-motorized vehicles may be recycled or disposed as scrap tires, or may be disposed as solid waste.]

- (d) Only at a retreading business, a retreadable casing stored in an enclosed building or stored in a manner otherwise authorized or exempted by the director that the retreading business has inspected and individually labeled or marked the casing as suitable for retreading.
- (e) Tire derived fuel (TDF) or tire derived chips (TDC) after the TDF or TDC has been transported from the scrap tire recovery facility for use as a fuel or for an authorized beneficial use.
- (f) Non-pneumatic, hard, pressed tires, such as forklift tires.

- (3) "Scrap tire recovery facility" means any site, location, tract of land, installation, or building that is used or intended to be used for the processing of scrap tires for the purpose of extracting or producing usable products, materials, or energy from the scrap tires. Processing includes but is not limited to: a controlled combustion process, mechanical process, thermal process, or chemical process that uses whole, split, or shredded scrap tires as a raw material. Scrap tire recovery facility includes any facility that uses the

controlled combustion of scrap tires in a manufacturing process to produce process heat or steam or any facility that produces usable heat or electric power through the controlled combustion of scrap tires in combination with another fuel.

(4) "Solid waste" means such unwanted residual solid or semisolid material, including but not limited to, garbage, scrap tires, combustible and noncombustible material, street dirt and debris, as results from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that normally would be included in demolition debris, nontoxic fly ash and bottom ash, including at least ash that results from combustion of coal, biomass fuels, and ash that results from the combustion of coal in combination with scrap tires where scrap tires comprise not more than fifty per cent of heat input in any month, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to garbage, scrap tires, combustible and noncombustible material, street dirt, and debris. Solid waste does not include any material that is an infectious waste or a hazardous waste.

(5) "Solid waste disposal facility" means any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other approved methods of disposal of solid waste.

(6) "Solid waste energy recovery facility" means any site location, tract of land, installation, or building where mixed solid waste or select solid waste streams, including scrap tires, is used as or intends to be used as fuel to produce energy, heat, or steam.

[Comment: A "solid waste energy recovery facility", which exclusively uses scrap tires and other approved rubber waste as fuel, may be regulated as a "scrap tire recovery facility."]

(7) "Solid waste management district" or "district" means a county which has established a resolution, or joint counties which have entered into an agreement, for the purposes of preparing, adopting, submitting, and implementing a solid waste management plan for the county or joint counties and for the purposes of providing for, or causing to be provided for, the safe and sanitary management of solid waste within all of the incorporated and unincorporated territory of the county or joint counties and in compliance with Chapters 343. and 3734. of the Revised Code.

(8) "Solid waste transfer facility" means any site, location, tract of land,

installation, or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include the following:

- (a) Any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less.
 - (b) Any facility that accepts scrap tires other than scrap tires which are accepted incidental to a mixed solid waste shipment.
 - (c) Any facility that accepts only source separated recyclables, except scrap tires, or commingled recyclables that are currently recoverable utilizing existing technology.
 - (d) Any facility that meets the following:
 - (i) Accepts mixed solid waste, except scrap tires.
 - (ii) Recovers for recycling not less than sixty per cent of the weight of solid waste brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year.
 - (iii) Disposes of not more than forty per cent of the total weight of solid waste brought to the facility each month (as averaged monthly) for not less than eight months in each calendar year.
 - (e) A facility identified as any of the following:
 - (i) Solid waste disposal facility.
 - (ii) Scrap tire collection, storage, monofill, monocell, or recovery facility.
 - (iii) Premises at which the beneficial use of scrap tires occurs.
 - (iv) Construction and demolition debris facility.
- (9) "Source separated recyclables" means materials that have been separated from

other solid waste at either the point of generation or the point of collection for the purpose of recycling the materials.

- (10) "State disposal fee" means a fee levied by the state pursuant to divisions (A)(1) and (A)(2) of section 3734.57 of the Revised Code.

(T)

- (1) "Treasurer" means the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer.
- (2) "Tire derived fuel" (TDF) or "tire derived chips" (TDC) means a uniformly shredded product obtained from whole tires where the maximum size of ninety-five per cent of the shreds are less than four inches in any dimension. TDC may be used as a civil engineering material or as feedstock for the manufacturing of crumb rubber or other tire derived material. TDC is defined using the ASTM D6270-98, section 3.1.29, for x-minus classified, size reduced scrap tires.

[Comment: Specifications of the "American Society for Testing and Materials" (ASTM). Information and copies may be obtained by writing to: "ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, Pennsylvania 19426-2959." These documents are available for purchase at <http://www.astm.org>.]

- (U) "Unauthorized wastes" includes untreated infectious waste, waste oils, hazardous wastes, yard waste, lead-acid batteries, scrap tires, bulk containerized liquids, and any other materials not authorized for disposal at a solid waste facility.